

REGULAR MEETING-MANSFIELD TOWN COUNCIL  
July 27, 2009

Mayor Elizabeth Paterson called the regular meeting of the Mansfield Town Council to order at 7:30 p.m. in the Council Chambers of the Audrey P. Beck Building.

I. ROLL CALL

Present: Clouette (8:35 p.m.), Haddad, Koehn (7:38 p.m.), Lindsey, Nesbitt, Paterson, Paulhus  
Excused: Duffy, Schaefer

II. APPROVAL OF MINUTES

Mr. Nesbitt moved and Mr. Paulhus seconded to approve the minutes of the July 13, 2009 meeting as presented. Motion passed with all in favor except Mr. Haddad and Mr. Paulhus who abstained.

Ms. Koehn arrived at 7:38 p.m.

III. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Will Bigl, Hill Pond Road resident and Jensen's Park representative to the Commission on Aging, spoke in favor of a new centrally located senior center and urged the Council to move forward with implementation of this Strategic Plan action item recommendation.

Kylah Shafer, Storrs Road, requested support of the small cities loan for 534 Storrs Road. Ms. Shafer and her family own the property and have been trying to maintain this important Town treasure. Statement attached.

Quentin Kessel, Codfish Falls Road resident and Chair of the Conservation Commission, spoke of the Commission's disagreement with the recommendation of the Planning and Zoning Commission regarding the 2009 Windham Regional Land Use Plan. The disagreement is on one mapping recommendation in the Pleasant Valley area of Town. Statement attached.

Betty Wassmundt, Old Turnpike Road, spoke at the request of Ric Hossack and Mike Sikoski who asked her relay their apologies to the Council for not taping the meeting.

Mr. Nesbitt moved and Mr. Haddad seconded to move Item 6, Swearing in of Deputy Fire Marshal, as the next order of business.

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The motion passed unanimously.

Mr. Haddad moved and Mr. Paulhus seconded to move Item 8, Small Cities Program Amendment, as the next order of business

Motion passed unanimously.

#### IV. TOWN MANAGER'S REPORT

Assistant to the Town Manager Maria Capriola distributed a list of upcoming meetings. Ms. Capriola requested input from the Council regarding a possible forum hosted by the Town Managers of Mansfield, CT and Amherst, MA regarding a possible plan for rail connections between the two cities.

By consensus the Council expressed support for the forum.

Mr. Nesbitt requested that the draft proposal for the Parking Steering Committee be ready for discussion at the next meeting.

#### V. OLD BUSINESS

1. Community/Campus Relations  
No Report

2. Community Water and Wastewater Issues

Mr. Nesbitt updated the Council on the last meeting of the Four Corners Sewer Advisory Committee at which the Committee heard from a developer interested in expanding the water service area to include a larger area.

Ms. Koehn reported on a forum regarding the Northeast Regional Management Area Water Supply that she and the Town Manager recently attended. Ms. Koehn presented her notes from the meeting and stressed the importance of this issue to the Town. She asked for clarification given this information, as to the role of Town water standards regarding community water at Ponde Place. Ms. Koehn offered to email additional information to members. (Notes attached).

3. Assistance Agreement with DECD for Parking Garage/Transit Hub

Mr. Haddad moved and Mr. Paulhus seconded to approve the following resolution:

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WHEREAS, pursuant to Connecticut Public Act 07-7, JSS, Sec. 100 (b) (c) (1), the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and

WHEREAS, it is desirable and in the public interest that the Town of Mansfield make an application to the State for \$10,000,000 in order to undertake Parking Garage/Transit Hub and to execute an Assistance Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF MANSFIELD;

1. That it is cognizant of the conditions and prerequisites for state assistance, as imposed by Connecticut Public Act 07-7, JSS, Sec. 100 (b) (c) (1);
2. That the filing of an application for State financial assistance by the Town of Mansfield in an amount not to exceed \$10,000,000 is hereby approved and that the Town Manager is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of the Town of Mansfield.
3. That it adopts or has adopted as its policy to support the following nondiscrimination agreements and warranties provided in subsection (a)(1) of Connecticut General Statutes sections 4a-60 and 4a-60a, respectively, as amended by Public Acts 07-142 and 07-245, and for which purposes the "contractor" is the Town of Mansfield and "contract" is said Assistance Agreement:

The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the state of Connecticut. The contractor further agrees to take affirmative action to insure that applicants with job-related

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qualifications are employed and that employees are treated when employed without regard to their race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation, or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved.

The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of sexual orientation, in any manner prohibited by the laws of the United States or of the state of Connecticut, and that employees are treated when employed without regard to their sexual orientation.

Motion to approve passed unanimously.

#### 4. Mansfield 2020: A Unified Vision

Mr. Paulhus moved and Mr. Nesbitt seconded, effective July 27, 2009 to adopt the Mansfield 2020 vision and nine supporting vision points as presented in Mansfield 2020: A Unified Vision.

Ms. Koehn would like a listing of those who participated in the advisory committees' discussions of the comments on the visions points and action items and agreed to do an initial assessment of the participants.

Council members agreed that a future workshop on refining and prioritizing action items would be beneficial. The Town Government draft vision point will also be available for review at that time.

Motion passed unanimously.

Mr. Haddad moved and Mr. Paulhus seconded to recess as the Town Council and convene as the Mansfield Recovery Authority. Motion passed unanimously.

#### 5. MRRA, Solid Waste Collection Fees – In-yard and Long Driveways

Ms. Koehn moved and Mr. Nesbitt seconded, effective October 1, 2009, to set the in-yard refuse/recycling collection fee surcharge at \$12.00 for driveways up to 300 feet and \$15.75 for driveways longer than 300 feet.

Council members agreed that information about available waivers should be included in the pamphlet that accompanies the refuse bills. Ms. Lindsey commented that the information she requested on the number of current waivers was not in the submitted information and requested that it be included in the next packet.

The motion to approve passed unanimously.

Mr. Haddad moved and Ms. Lindsey seconded to adjourn as the Mansfield Recovery Authority and reconvene as the Town Council.

Motion passed unanimously

VI. NEW BUSINESS

6. Swearing in of Deputy Marshal

Fire Chief Dave Dagon and Fire Marshal John Jackman spoke to the hard work and dedication Captain Uri Lavitt has demonstrated by his completion of the required coursework and successful passing of the examination and announced his appointment to the position of Deputy Fire Marshal. Captain Lavitt was sworn in by the Town Clerk and congratulated by the Town Council.

7. Planning, Acquisition and Management Guidelines for Mansfield Open Space

Mr. Clouette arrived at 8:35 p.m.

Mr. Paulhus moved and Ms. Lindsey seconded, effective July 27, 2009, to approve the proposed 2009 update to the Planning, Acquisition and Management Guidelines for Mansfield Open Space, Park, Recreation and Agricultural Properties, and Conservation Easement.

Jennifer Kaufman, Parks Coordinator, commented that the proposed guidelines were updated to reflect the way the program is currently working and clarifies the planning, acquiring and management of open space.

Members requested the following suggestions be reviewed by the Town Manager and Town Planner:

In Section II A, clarify the role of the Town Council as to PZC/IWA referrals, public hearing comments and timing of such comments. A suggestion was made to change the third paragraph by removing everything from "However..." to "...the Town Manager is..."

In Section II B. 1, change the last sentence to read, "In addition, anticipated maintenance and improvement cost will be estimated and potential liabilities and management concerns shall be noted."

In Section II B. 2, change the first sentence to read, "The Town Council shall reserve the right to review..."

In Section II D.1, eliminate the Agriculture Committee and the Parks Coordinator in the fifth sentence, leaving just a reference to the Town Manager. Add "...with the advice of the Agriculture Committee..." to the sentence.

In Section III D, change, "After the preparation..." to "Prior to the preparation..."

In Section III E, eliminate, "In rare instances"

In Section IV, change the responsible party to the Town Council who may then further delegate the monitoring responsibilities. Some members felt that the Conservation Committee and should be able to monitor the conservation easements.

Mr. Clouette moved and Mr. Paulhus seconded to table the motion awaiting review of suggestions by staff.

Motion passed unanimously.

## 8. Small Cities Program Amendment

Mr. Haddad moved and Mr. Paulhus seconded to approve the following resolution:

Whereas, the Town of Mansfield has received funds under the Connecticut Small Cities Community Development Block Grant (CDBG) Program for a Housing Rehabilitation Revolving Loan Program, administered by the State of Connecticut, Department of Economic and Community Development, pursuant to Title I of the Housing and Community Development Act of 1974 as amended; and

Whereas, the Town of Mansfield has expended those funds pursuant to Title I of the Housing and Community Development Act of 1974, the Code of Federal Regulations, and the Assistance Agreement; and,

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Whereas, those funds received by the Town of Mansfield have generated Program Income.

NOW THEREFORE, BE IT RESOLVED BY THE Town Council:

1. That it is cognizant of the conditions for the use of Program Income as prescribed by Title 24, Part 570, Section 489(e) and (f) of the Code of Federal Regulations.
2. That it realizes Program Income is governed by Title I of the Housing and Community Development Act of 1974.
3. That it may use Program Income only for the following activities:
  - a. The activity that generated the program income if the activity continues to meet the requirements of Title I of the Housing and Community Development Act of 1974.
  - b. Any additional activity that meets the requirements of Title I of the Housing and Community Development Act if the Town receives DECD's written approval to fund it with Program Income.
4. That it may use Program Income to fund Administrative and Program soft costs within the following limits:

Administrative Costs	16%
Total Administrative and Program Soft Costs (Housing Rehabilitation Activities <u>Only</u> )	25%
Total Administrative and Program Soft Costs (All Activities <u>Except</u> for Housing Rehabilitation)	21%
5. That it is hereby amending the Program Income Plan(s) that was adopted for the original activity that generated the Program Income to permit the funding of additional activities from that Program Income.

In response to Council members' questions regarding the small cities funding process, Assistant to the Town Manager Maria Capriola explained that for the most part these loans are no interest loans payable when the property is sold or otherwise dispersed of. This particular project for the repair of the septic system at 534 Storrs Road is considered an emergency by the DECD and because it is a mixed- use project it requires the proposed amendment.

The motion to approve passed unanimously

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9. Memorandum of Understanding between the Town of Mansfield and the University of Connecticut regarding the Town-University Relations Committee.

Mr. Haddad moved and Mr. Paulhus seconded, effective July 27, 2009, to authorize Mayor Elizabeth Paterson to execute the attached Memorandum of Understanding between the Town of Mansfield and the University of Connecticut regarding the Town-University Relations Committee.

Members discussed the make-up of the Committee and the balance between University and Town representatives. Mr. Clouette noted that the student representatives on the Committee were adamant about not being counted as UConn members. Mayor Paterson explained that it is important to have key members of UConn staff at the table and available to answer questions. Mr. Nesbitt questioned whether or not the Mayor should be designated or if it should be simply two Council members allowing for an additional Council member who is very knowledgeable or interested in the process. In a friendly amendment members agreed to amend the motion changing the Mayor's position to the Mayor or his or her designee.

Motion to approve the motion as amended passed unanimously.

Mr. Paulhus volunteered to serve on the Town Gown Committee.

10. Draft 2009 Windham Regional Land Use Plan

Mr. Paulhus moved and Mr. Nesbitt seconded effective July 28, 2009, to authorize the Mayor to co-endorse with the Planning and Zoning Commission Chairman comments on the draft 2009 Windham Regional Land Use Plan. The comments shall be based on a 7/21/09 draft letter authorized by the Planning and Zoning Commission.

Assistant to the Town Manager Maria Capriola commented the three options open to the Council included: co-endorsing the PZC letter, writing their own letter or taking no action. The PZC letter recommends a number of mapping revisions to the Windham Regional Land Use Plan, which the PZC feels will bring the plan more into compliance with Mansfield's Plan of Conservation and Development. The Conservation Committee has written a letter expressing their support for the PZC letter with the exception of a part of southern Mansfield that they wish to have remain a "High Priority Preservation Area" as it is defined in the draft regional plan.

Council members discussed their options noting that this area has always been controversial and has engendered a variety of views on the best use of the land. Ms. Koehn suggested that until we understand the process that will determine the management of the underlying water supply we should move cautiously.

Mr. Paulhus and Mr. Nesbitt withdrew their motion.

Ms. Koehn moved and Mr. Clouette seconded effective July 27, 2009 to authorize the Mayor to prepare and send comments on the draft 2009 Windham Regional Land Use Plan.

The Council members agreed that both the PZC letter and the letter from the Conservation Commission be attached to the comments. These letters will be evidence that there is an ongoing discussion in Town regarding the Pleasant Valley section. The Council is in agreement with the other comments of the Planning and Zoning Commission's letter.

The motion passed unanimously.

VII. DEPARTMENTAL AND COMMITTEE REPORTS

No Reports

VIII. REPORTS OF COUNCIL COMMITTEES

Mr. Haddad, Chair of the Personnel Committee, reminded members that at the next meeting the Town Manager review process would begin. A new online form will be used. The draft policy on transparent government is still being reviewed within the Committee. Mr. Nesbitt asked for an update on the discussion of the supplemental retirement income of the Town Manager and his car. Ms. Capriola stated that the Town is awaiting a policy statement from MERS and will clarify the tax implications of the current retirement contributions including any Social Security contributions.

Ms. Lindsey reported the Committee on Committees is continuing in their efforts to recruit and place volunteers.

IX. REPORTS OF COUNCIL MEMBERS

No Reports

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X. PETITIONS, REQUEST AND COMMUNICATIONS

11. State of Connecticut Department of Public Health re: Notification of Violation
12. State of Connecticut Department of Transportation re: State Matching Grant Program
13. State of Connecticut Office of the Probate Court Administrator re: Probate Court Redistricting Process
14. Chronicle "Bike tour highlight's Mansfield's charm" – 07-16-09
15. Chronicle "Council has new member" – 07-07-09
16. Chronicle "Council may act on recycling plan" – 07-13-09
17. Chronicle "Editorial: We offer these threads, needles" – 07-13-09
18. Chronicle "Federal funding to help out local DPWs" – 07-15-09
19. Chronicle "Letter to the Editor" – 07-22-09
20. Chronicle "Mansfield may modify recycling" – 07-07-09
21. Chronicle "Mansfield OKs single-stream recycling" – 07-14-09
22. Chronicle "Mansfield postpones trash fee increases" – 07-15-09
23. Chronicle "Stolen items from library are returned" – 07-04-09
24. Chronicle "Take that Lance Armstrong" – 07-20-09
25. Mansfield Today "Homeland Security funds could buy town..." – 07-17-09
26. Mansfield Today "It's official: you can now combine paper..." – 07-16-09
27. Mansfield Today "Meredith Lindsey named to Mansfield Town..." – 07-14-09
28. Mansfield Today "Town losing money on trash collection service" – 07-19-09

XI. OPPORTUNITY FOR PUBLIC TO ADDRESS THE COUNCIL

Betty Wassmundt, Old Turnpike Road, urged the Council to educate citizens about the role invasive plants are having in changing the character of Mansfield. She commented that bittersweet and garlic mustard are especially dangerous to trees and waterways. Ms. Wassmundt discussed her concerns regarding the Town Manager's compensation package and will email a statement regarding that package to Council members. She asked them to be cognizant of the three- month notification requirement to make changes in his contract.

XIII. FUTURE AGENDAS

Mr. Clouette requested a review of parcels received by the Town as part of subdivision approvals to see if they are "neglected islands" and to check to see if the Council has any authority to sell them.

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Ms. Koehn requested the date by which the Council needs to notify the Town Manager that there may be changes to his contract.

XII. ADJOURNMENT

Mr. Paulhus moved and Mr. Clouette seconded a motion to adjourn the meeting at 10:35 p.m.

Motion passed unanimously.

Elizabeth M Paterson, Mayor

Mary Stanton, Town Clerk

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